

REMARKS

Claims 40-42, 44-52, 54-55, 57-59, and 61-62 are pending in the Application.

Claims 40-42, 44-52, 54-55, 57-59, and 61-62 stand rejected.

Applicants respectfully assert that the Examiner's Final Rejection is premature, since the Examiner has completely failed to address Applicants' traversals regarding the § 103 rejections. This is in violation of the requirements under MPEP § 707.07(f).

Furthermore, as the Examiner agreed on the telephone with Applicants' attorney, the Examiner is mistaken in asserting that there was an Interview Summary mailed on November 6, 2003, which was asserted by the Examiner on p.8 of the Office Action.

I. REJECTION UNDER 35 U.S.C. § 112, SECOND PARAGRAPH

The Examiner has rejected claims 40, 49, and 61-62 under 35 U.S.C. § 112, second paragraph, asserting that the term "call/voice" is not clearly defined. In response, Applicants respectfully traverse this rejection.

The term "call/voice" is not indefinite. The present invention describes a telephone call processing system integrated with a telephone voice processing system. It is proper grammar for a slash to replace the word *and* in compound terms. Merriam-Webster's Secretarial Handbook, Third Edition, page 139 (copy enclosed). That is how the slash is utilized in the term "call/voice." In other words, "telephone call/voice processing system" is referring to "telephone call and voice processing system."

Nevertheless, in order to move this Application towards allowance, Applicants have amended these claims to replace the slash (/) between "call" and "voice" with the word "and." Applicants respectfully assert that the amendments to these claims, and incorporated by reference in any claims depending therefrom, or not narrowing amendments made for a reason related to the statutory requirements for a patent that will give rise to prosecution history estoppel.

II. REJECTIONS UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

The Examiner has rejected Claims 40, 49, 55, 61, and 62 under 35 U.S.C. § 112, first paragraph. More specifically, the Examiner asserts that the phrase "the message does not include a phone number and an identity of a calling party" of the claims is not disclosed by this Specification. The Examiner asserts that a caller could leave a voicemail message that included their name and phone number, and this voice message would then be converted and sent as data to the analog phone. Applicants respectfully traverse this rejection.

As previously explained by Applicants' attorney with the Examiner over the telephone, the specification of the present invention does support these claim limitations. Page 26, lines 14-21 describe a process whereby a digital message is formatted and converted to tones using the caller ID modems, and this text message is then sent to the analog phone 1300 for display. Specification, page 27, lines 1-2. There is no discussion that a voice message left by a caller is digitized, and then this digitized message is sent through the caller ID modems to the analog phone for display, as the Examiner has intimated. Instead, predetermined messages, such as "New Message," are sent to the display in response to the receipt of a voicemail message being stored in the telephone system. Therefore again, Applicants respectfully assert that the claims now recite limitations that are supported within the Specification.

Furthermore, Applicants amended Claims 40, 49 and 55 (and added Claims 61 and 62) in response to a previous discussion with the Examiner over the telephone. Applicants pointed out in a previous response that the Examiner had agreed to these claim limitations in that telephone conference. Applicants respectfully assert that it is unfair for the Examiner to now issue a new rejection of these claims in view of the fact that the Examiner had agreed over the phone to the claim amendments. The Examiner now asserts that the Examiner never agreed to such amendments. This is not in accordance with the facts as recalled by Applicants, and there is no Interview Summary

mailed on November 6, 2003 as the Examiner has asserted, and has now agreed to in a recent telephone conversation with Applicants' attorney.

Yet still further, in the most recent Office Action, the Examiner has failed to address Applicants' traversal of this rejection, but has instead just merely decided to reassert the rejection. This is not proper, since the Examiner is required under MPEP § 707.07(f) to answer all material traversed.

III. REJECTIONS UNDER 35 U.S.C. § 103

Claims 40-42, 44, 49-52, 54-55, 58 and 61-62 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Chang et al.* (U.S. Patent No. 5,771,283), and in view of *Alfred et al.* (U.S. Patent No. 5,894,504), and *Chen* (U.S. Patent No. 5,930,346). In response, Applicants respectfully traverse these rejections.

In these rejections, the Examiner is relying upon the teachings in *Chang* of the GID as representing the message that does not include typical caller ID information. Applicants respectfully assert that the Examiner is relying upon an incorrect factual predicate in relying upon such teachings in *Chang*. *In re Rouffet*, 47 U.S.P.Q. 2d 1453, 1455 (Fed. Cir. 1998). *Chang* specifically teaches that the GID is provided along with a caller's directory number. Column 2, lines 6-7. *Chang* specifically recites that the delivered caller ID service includes the GID in conjunction with the caller's directory number, to a called party. Column 2, lines 34-36. Claims 40, 49, and 55 all recite that the message does not include a phone number of the caller. Thus, *Chang* teaches away from the claims of the present invention. In fact, the Examiner admits to such a teaching in *Chang* on page 7 of Paper No. 11 where the Examiner asserts that *Chang* teaches in column 6, line 14 of *Chang* that the caller's directory number is included.

Claims 45-46, and 48 stand rejected under 35 U.S.C. § 103 as being unpatentable over *Chang*, *Alfred* and *Chen* as stated in claim 42, and in view of *Wilson et al.* (U.S.

Patent No. 5,838,772). In response, Applicants respectfully traverse these rejections for the same reasons as given above.

Applicants also respectfully assert that claims 47, 57, and 59 are also patentable over the rejections given on pages 9 and 10 of Paper No. 11 for the same reasons as given above.

In the Final Rejection, the Examiner has completely failed to respond to the above traversals by Applicants. This is in violation of the requirements under MPEP § 707.07(f).

IV. CONCLUSION


As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner call Applicants' attorney at the below listed number if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Respectfully submitted,

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